



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN
DIRECTOR

April 17, 1996
AO-96-16

Lloyd H. Plasse, Jr.
72 Blake Street
Whitman, MA 02382

Re: Public employee's political activity

Dear Mr. Plasse:

This letter is in response to your March 11 request for an advisory opinion regarding the extent to which you may, consistent with M.G.L. c. 55, the campaign finance law, become involved in certain political activities.

You have stated that you are a full-time fire lieutenant employed by the Town of Whitman. You have been asked to be chairman of a political campaign. You understand that you are prohibited from involving yourself in fundraising activities and for this reason a co-chairman has been appointed specifically to oversee the fundraising aspects of the campaign. You are also an elected member of the Whitman Republican Town Committee.

No provision of chapter 55 mandates that a public employee resign from public employment to seek elected office or become involved in political activity after work-hours. Sections 13 through 17 of chapter 55, do, however, impose restrictions on and provide protections for public employees. Although it is technically possible for you to be chairman of a political committee, such participation is not recommended in view of the restrictions imposed by the campaign finance law.

As a full-time fire lieutenant, you are a "person employed for compensation" by the Town subject to s. 13 of chapter 55. In addition, you are a "person in the service" of the Town subject to s. 15 of chapter 55. Section 13 states that persons employed for compensation by the commonwealth or any county, city or town may not directly or indirectly solicit or receive contributions "for any political purpose whatever." Section 15 provides that "persons in the service of the commonwealth or of any county, city or town" may not "give or deliver to an officer, clerk or [other] person in said service . . . any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever."

The prohibition against indirect fundraising means that "what a public employee can not do directly (ask a friend for a contribution) can not be done in a 'roundabout' or indirect manner (help someone else to ask the employee's friend)." See

AO-93-10 and IB-92-01. For this reason, your participation in a fundraising event may not be used as a "draw" encouraging political fundraising efforts on behalf of the candidate. See AO-91-25.

Your letter contains a number of questions. I will answer each question separately.

1. **In my capacity as campaign chairman will I be able to introduce guest speakers and my candidate, assist in serving food, and assist in hall set-up at fundraising functions?**

Yes. This office has consistently advised that the "mere presence" of a public employee in a room where a fundraiser takes place does not suggest that the employee is involved in the solicitation of political contributions. See AO-86-10. Similarly, assisting in serving food or setting up the hall would not be considered indirect solicitation.

In AO-86-10, the office also advised that a public employee may speak to a group about matters other than political fundraising, even if someone else thereafter discusses fundraising. You may, therefore, introduce guest speakers and the candidate if you do not refer to the candidate's fundraising efforts and are careful to not solicit or receive contributions.

2. **Will I be able to stuff and stamp pre-addressed envelopes with materials that will solicit money/donations for my candidate?**

Yes. Clerical tasks such as stuffing and stamping envelopes would not be considered indirect solicitation. See AO-88-25.

3. **What are my operating limits as a member of our town committee?**

You may serve as a member of your town committee. The prohibitions on political fundraising, however, would still apply. Therefore, while you may be a member of the town committee, you may not directly or indirectly solicit or receive contributions. In addition, you may not give or deliver funds to be used for political purposes to other persons in the service of the commonwealth or any of its subdivisions.

In addition to sections 13 and 15, you should also be aware of the following provisions of the campaign finance law:

Section 14 states that "no person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money" for political purposes.

Section 16 states that "no person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and

Lloyd H. Plasse, Jr.
April 17, 1996
Page 3

shall not be removed or otherwise prejudiced for refusing to do so. "

Pursuant to your request, I have enclosed four Guides to Political Activity for State, County and Municipal Employees. After reviewing the Guide, which discusses these and other limitations in more detail, please call me if you have further questions.

This opinion has been rendered solely on the basis of representations made in your letter, and solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a horizontal line.

Michael J. Sullivan
Director

MJS/cp
Enclosures